

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA**

**Dakota Access, LLC
Dakota Access Pipeline Project
Siting Application**

CASE NO. PU-14-842

**APPLICATION OF DAKOTA ACCESS, LLC FOR WAIVER OR
REDUCTION OF PROCEDURES AND TIME SCHEDULES**

In connection with its submission of a consolidated application for an amended Certificate of Corridor Compatibility and amended Route Permit for an approximately 358-mile 12-, 20-, 24-, and 30-inch diameter crude oil pipeline and associated facilities in Mountrail, Williams, McKenzie, Dunn, Mercer, Morton, and Emmons Counties, North Dakota and terminals near Stanley in Mountrail County, near Tioga in Williams County, near Epping in Williams County, near Trenton in Williams County, near Watford City in McKenzie County, and near Johnsons Corner in McKenzie County (the “Project”), Dakota Access, LLC (“Dakota Access”) submits to the Commission this application for a waiver or reduction of procedures and time schedules set forth in Chapter 49-22 of the North Dakota Century Code (“Siting Act”) and Article 69-06 of the North Dakota Administrative Code (“Siting Rules”). In accordance with Section 49-22-07.2 of the North Dakota Century Code and Chapter 69-06-06 of the North Dakota Administrative Code, Dakota Access requests that the Commission waive and/or reduce procedures and time schedules required by the Siting Act and Siting Rules to accomplish the purposes as requested herein. Dakota Access’s request includes, but is not limited to:

1. That the Commission waive, pursuant to North Dakota Century Code Sections 49-22-07.2 and 49-22-13, and North Dakota Administrative Code Section 69-06-01-02 and Chapter 69-06-06, any applicable provisions of North Dakota Century

Code Sections 49-22-08, 49-22-08.1, and 49-22-13, and North Dakota Administrative Code Section 69-06-01-02 insofar as they require the separate filing of applications for an amended Certificate of Corridor Compatibility and an amended Route Permit, separate notices of such applications, and certain time schedules as set forth in said statutes and rules.

2. That the Commission waive the requirements of Sections 49-22-07.2, 49-22-08, 49-22-08.1 and 49-22-13 of the North Dakota Century Code and Chapter 69-06-01-02 of the North Dakota Administrative Code insofar as these sections may require that the Commission hold a public hearing on a waiver request, the application for an amended Certificate of Corridor Compatibility, and/or the application for an amended Route Permit. Instead, Dakota Access requests that the Commission proceed by its notice of opportunity for hearing procedures if such notice is found to be necessary, and approve the route deviations and issue an amended Certificate of Corridor Compatibility and amended Route Permit after the notice of opportunity for hearing time has expired, unless a hearing is specifically requested by an interested party.
3. That the Commission allow for any notice of opportunity for hearing to simply include a list of affected lands, as was done for the previous route adjustments in this matter, in lieu of separate maps for publication for each route adjustment. *See* PSC Docket No. 113. A list of affected lands is included herewith.
4. That the Commission waive or modify any necessary provisions to allow for an expeditious decision to be rendered on the requests of Dakota Access to modify the corridor and route.

Consistent with the Commission's Energy and Transmission Facility Siting Guidelines, Dakota Access provides the following information in support of its requests for waiver or reduction of procedures and time schedule:

A. Description of Route Modifications.

1. Type, Product, Size and Design, and Geographical Service Area: The route modifications will not alter the type, product, size and design, or geographical service area of the Project. All of these factors will remain the same as set forth in the documents and testimony provided to date. The route will only be altered in the areas as depicted on the accompanying maps and explained in greater detail throughout these pleadings. The route modifications will occur in Mountrail, Williams, McKenzie, and Dunn Counties, North Dakota. Locations affected include: Sections 31, 32, 33, 34, and 35 in Township 156 North, Range 94 West, Mountrail County; Section 31 in Township 156 North, Range 96 West, Williams County; Sections 34, 35, and 36 in Township 156 North, Range 97 West, Williams County; Section 32 in Township 156 North, Range 98 West, Williams County; Sections 3, 4, 5, and 6 in Township 155 North, Range 97 West, Williams County; Sections 1, 2, 5, and 6 in Township 155 North, Range 98 West, Williams County; Sections 34 and 35 in Township 154 North, Range 102 West, Williams County; Sections 2, 10, and 11 in Township 153 North, Range 102 West, Williams County; Sections 15, 16, 17, 22, and 23 in Township 151 North, Range 102 West, McKenzie County; Section 1 in Township 149 North, Range 99 West, McKenzie County; Section 6 in Township 149 North, Range 98 West, McKenzie County; Sections 28, 29, 31, and 32 in Township 150 North, Range 98 West, McKenzie County; Sections 19, 20, 21, 22, 23, and 24 in Township 150 North, Range 97 West, McKenzie County; Section 19 in Township 150 North, Range 96 West, McKenzie County; Sections 13, 14, and 24 in Township 146 North, Range 95 West, Dunn

County; Sections 19, 25, 26, 27, 28, 29, 30 in Township 146 North, Range 94 West, Dunn County; and Section 30 in Township 146 North, Range 93 West, Dunn County.

2. Time Schedule: Construction of the Project commenced on January 21, 2016, as set forth in the Formal Notice for Start of Construction filed with the Commission. *See* PSC Docket No. 145. The requested route modifications will be implemented during the construction process and in accordance with all timelines previously presented to the Commission.

3. Future Plans: At this time, Dakota Access has no specific plans for additions to or modifications of the Project, other than those requested in the accompanying documents or which may be allowed pursuant to the Commission's January 20, 2016 Order and provisions of Chapter 49-22 of the North Dakota Century Code. Dakota Access will provide necessary documentation or seek approval as necessary in the event additional modifications are required.

B. Need for Facility.

The need for the Project remains the same as set forth in all filings in this matter, along with the testimony presented to date. Approval of the requested route deviations and modifications to the Project will allow Dakota Access to satisfy landowner requests, to further environmental protection considerations, and to construct the Project in the most efficient way possible. The Project will ultimately allow for needed capacity to transport crude oil production safely and economically from the Bakken and Three Forks formations to facilities with access to major markets. The need for the facility is further addressed in the Commission's January 20, 2016 Order granting approval of the Project.

C. Cost.

The corridor and route modifications are not anticipated to materially alter the cost of the Project. The Project cost remains consistent with the information set forth in the Commission's January 20, 2016 Order granting approval of the Project.

D. Waiver Request.

The waivers of time schedules and procedures requested herein are needed to prevent potentially significant delays in continued construction of the Project, as Project construction commenced on January 21, 2016. *See* PSC Docket No. 145. As noted in the accompanying documents, the route deviations are requested based on landowner requests, consideration of environmental protection, and constructability improvements.

Without a timely waiver grant, continued construction of the Project may be delayed which could have negative impacts. Construction and utilization of the Project will benefit landowners, municipalities, and the citizens of North Dakota by significantly reducing traffic congestion and impacts on road infrastructure caused by truck transportation. The Project will also benefit oil producers and mineral owners by alleviating dependence upon previously constrained pipeline capacity, and by providing access to new markets for Bakken crude oil products. Without the waivers of time schedules and procedures requested, Dakota Access will not be able to provide a needed means of transporting crude oil to new markets in a timely manner, which will limit the ability of those producers to market their crude oil.

Section 49-22-07.2 of the North Dakota Century Code provides that the Commission may waive procedures and time schedules upon a finding that "the proposed facility is of such length, design, location, or purpose that it will produce minimal adverse effects." Granting the waivers requested is appropriate because the Commission has already issued a Certificate of Corridor

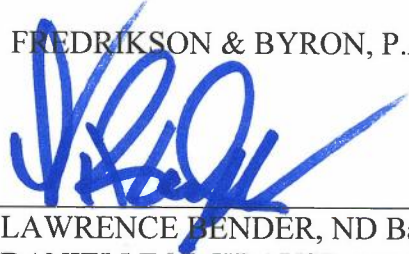
Compatibility and Route Permit for the Project; thus, it has been determined that the Project will produce minimal adverse effects. Additionally, all necessary environmental and archaeological reviews of the modifications have been completed. The route changes will not affect any of the Public Service Commission exclusion, avoidance, or selection criteria.

For the reasons set forth above, and based on the documentation submitted in connection with the consolidated application for a route deviation and an amended Certificate of Corridor Compatibility and amended Route Permit, Dakota Access respectfully requests that the Commission grant the requested waivers and render an expeditious decision through its notice and opportunity for hearing procedures.

Dated this 5th day of April, 2016.

FREDRIKSON & BYRON, P.A.

By



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